

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

ROBERTO DURAND,

Plaintiff,

v.

MAURO,

Defendant.

Case No. 3:21-cv-00409-RCJ-WGC

ORDER DENYING MOTIONS

(ECF Nos. 13, 14, 19, 20, 21)

This action began with a civil-rights complaint under 28 U.S.C. § 1983 by state prisoner and pro se plaintiff Roberto Durand. (ECF No. 1-1). When Durand repeatedly failed to either pay the full fee for filing a civil action or properly apply to proceed *in forma pauperis*, on November 24, 2021, the Court dismissed this case without prejudice, and the Clerk of the Court entered judgment accordingly. (ECF Nos. 6, 7). Durand appealed and the Ninth Circuit docketed an appellate case (No. 21-16606). (See ECF Nos. 8, 9).

“As a general rule, ‘the filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.’” *Estate of Conners by Meredith v. O’Connor*, 6 F.3d 656, 658 (9th Cir. 1993), superseded on other grounds by Fed. R. Civ. P. 54(d)(2)(D) (internal brackets omitted) (quoting *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)). Although Durand’s appeal is still pending, he has repeatedly filed applications to proceed *in forma pauperis* in this closed action. (ECF Nos. 13, 14, 19, 21). Durand also filed a motion seeking to have a specific magistrate judge to all his lawsuits in this District. (ECF No. 20). The Court lacks jurisdiction to consider Durand’s motions.

Accordingly, it is hereby ordered that Durand's applications to proceed *in forma pauperis* (ECF Nos. 13, 14, 19, 21) and his motion for judicial assignment (ECF No. 20) are denied for lack of jurisdiction.

Durand is cautioned that he must file any documents related to his appeal in his appellate case, not in this closed case.

DATED THIS 26th day of July, 2022.

**ROBERT C. JONES
UNITED STATES DISTRICT JUDGE**